

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DEREK BOYD,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-01844-TWP-TAB
)	
A. REAVES,)	
WEXFORD HEALTH SOURCES, INC.,)	
LAYE,)	
LOPES,)	
JULIA L. MONK,)	
ROBERT E. CARTER,)	
DARLA E. MARTENS,)	
FERREE,)	
TODD OSTERBUR,)	
)	
Defendants.)	

ENTRY ON PENDING MOTIONS

This matter is before the Court on several pending motions filed by the parties. Plaintiff Derek Boyd ("Mr. Boyd") is pursuing claims for damages based his exposure to and treatment for COVID-19 in 2020 during his incarceration at Heritage Trail Correctional Facility (HTCF). Mr. Boyd has filed a Motion for Entry of Default (Dkt. 87), Motion for Default Judgment (Dkt. 188), Motion for Court to Order Entry of Default on Officer Lopes (Dkt. 190), Motion to Show Cause (Dkt. 198) and Motion to Correct Error. (Dkt. 201). Defendant A. Reaves has filed a Motion to Join in Medical Defendants Response to Plaintiffs Motion for Default Judgment (Dkt. 196), and a Motion to Strike Plaintiff's Motion for Summary Judgment (Dkt. 200). The Court addresses each of the Motions below.

I. Motions for Default and Default Judgment

On February 25, 2022, the Court ordered Defendant Nelson Lopes to answer the second amended complaint, provide a current mailing address, and show cause why default should not be entered against him. Dkt. 173. The Postal Service did not return that order, Mr. Lopes has not responded, and the March 11 deadline to do so has passed.

Mr. Boyd's motion for entry of default, dkt. [187], is **granted**. The **clerk is directed to enter default** against Mr. Lopes pursuant to Federal Rule of Civil Procedure 55(a).

Mr. Boyd's motion for default judgment, dkt. [188], is **denied without prejudice** as to Mr. Lopes. The Court will issue orders for pursuing default judgment against Mr. Lopes once the pending summary judgment motions have been resolved. The motion is **summarily denied** to the extent it seeks default judgment against any other party. Defendant Reaves' motion to join in the medical defendants' response to the motion for default judgment, dkt. [196], is **granted**.

II. Discovery Motions

Mr. Boyd's motion requesting that the Court issue a show-cause order regarding Angela Reaves' compliance with the Court's order at docket no. 186, dkt. [198], is **denied**. The Court's order included no instructions for Ms. Reaves.

Mr. Boyd's motion to correct error, dkt. [201], is **summarily denied** because it is not clear what relief he seeks from the Court.

III. Motion to Strike

The motion to strike filed by Defendants Angela Reaves and sergeant Laye, dkt. [200], is **denied**. The defendants' two-page motion asks the Court to strike Mr. Boyd's summary judgment motion because it is abusive to the judicial process and presents "the same issues as in numerous other motions that have already been ruled against, and has not verified the veracity of his

statements by misrepresenting undisputed and material facts." Dkt. 200. However, the defendants do not identify the issues or facts on which they base their motion. Moreover, the Court explicitly stated that "Mr. Boyd may file a motion for summary judgment after discovery has closed." Dkt. 179 at 2.

IV. Conclusion

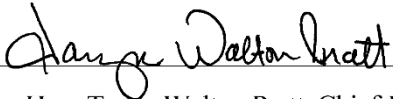
Mr. Boyd's motion for entry of default, dkt. [187], is **granted**. The **clerk is directed to enter default** against Mr. Lopes pursuant to Federal Rule of Civil Procedure 55(a).

Mr. Boyd's motion for default judgment, dkt. [188], is **denied without prejudice** as to Mr. Lopes and **summarily denied** to the extent it seeks default judgment against any other party. Defendant Reaves' motion to join in the medical defendants' response to the motion for default judgment, dkt. [196], is **granted**. Mr. Boyd's motion requesting that the Court issue a show-cause order regarding Angela Reaves' compliance with the Court's order at docket no. 186, dkt. [198], is **denied**. Mr. Boyd's motion to correct error, dkt. [201], is **summarily denied**. The motion to strike filed by Defendants Angela Reaves and sergeant Laye, dkt. [200], is **denied**.

Discovery is closed. Mr. Boyd has filed his summary judgment motion, so he should have no need for further motions before the Court rules on dispositive motions. The defendants continue to have **through April 28, 2022**, to file dispositive motions and should not expect extensions.

IT IS SO ORDERED.

Date: 4/14/2022


Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana

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